

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**MOVIE GALLERY US, LLC,**

**Plaintiff,**

**vs.**

**MARK W. GREENSHIELDS,  
ASSOCIATED SOURCING, and  
ASSOCIATED SOURCING HOLDINGS,  
INC. d/b/a VIDEO LIBRARY**

**Defendants.**

**CIVIL ACTION NO. 2:07CV1032-MHT**

**JOINT MOTION TO TAKE TWO DEPOSITIONS AFTER DISCOVERY CUT-OFF**

The parties jointly move for the Court's permission for the taking of two depositions after the discovery cut-off: Adam Plymale and Andrew Kiel, whose depositions were duly noted for June 3 and 5, 2008. Mr. Kiel is a resident of Montana; his deposition was noted for Billings MT. Mr. Kiel is a resident of Washington; his deposition was noted for Seattle WA. Both are affiliated with defendant Associated Sourcing Holdings, Inc. (ASG Video).

On May 23, 2008 Mr. Kiel underwent surgery to repair a herniated disc. The surgery was anticipated to be routine and arthroscopic. However, the surgeons found substantial arthritis and were required to conduct more substantial surgery, including a 3-inch incision. Mr. Kiel is on indefinite leave from work, confined mainly to his bed at home, in substantial pain (alleviated only by heavy medications that interfere with his ability to function mentally), and he cannot at this time sit for more than a short time. The parties are waiting for a further report from his physicians as to when a deposition will be possible. At this time the parties anticipate that Mr. Kiel will be able to be deposed before June 30, 2008.

Because of the expense involved in travel to the Northwest for these depositions, the

parties have agreed that Mr. Plymale's deposition should be deferred until such time as Mr. Kiel's deposition may be taken as well. In addition, ASG Video has volunteered to bring Mr. Kiel to Seattle for his deposition if he is able to travel.

The parties therefore request the Court's permission for the depositions of Messrs. Kiel and Plymale after June 6, 2008.

Respectfully submitted,

/s J. Ethan McDaniel  
J. Ethan McDaniel (MCD065)  
One of the attorneys for Plaintiff

/s Philip E. Cutler  
Philip E. Cutler (WSBA #5084)  
One of the attorneys for Defendants

**CERTIFICATE OF SERVICE**

I hereby certify that on May 30, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Jeffery M. Grantham  
J. Ethan McDaniel  
Maynard Cooper & Gale, P.C.  
1901 Sixth Avenue North  
2400 Regions/Harbert Plaza  
Birmingham, AL 35203-2618

and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:

n/a.

Respectfully submitted,

/s/ Quindal C. Evans  
\_\_\_\_\_  
OF COUNSEL